

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:19-cv-00049-MR

MATTHEW JAMES GRIFFIN,)
)
Plaintiff,)
)
vs.) ORDER
)
FNU HOLLAR, et al.,)
)
Defendants.)
)

THIS MATTER is before the Court on Plaintiff's "Motion for Sanctions Under Rule 37(b) and (d)" [Doc. 71] and Defendants' response to the Court's Show Cause Order [Doc. 75].

Pro se Plaintiff Matthew James Griffin ("Plaintiff") is a prisoner of the State of New Mexico currently incarcerated at the Penitentiary of New Mexico. He filed this action on April 30, 2019, pursuant to 42 U.S.C. § 1983, asserting claims he alleges arose while he was incarcerated at Alexander Correctional Institution in Taylorsville, North Carolina. [Doc. 1]. Plaintiff's Complaint survived initial review on November 26, 2019. [Doc. 10]. The remaining Defendants in this matter include FNU Hollar, Marilyn Gamewell, FNU Massagee, FNU Hensley, FNU Walker, FNU Delozier, FNU Strohl, FNU Mandeville, FNU Copeland, FNU Lowery, William N. Johnson, J. Folly, R.L.

Lail, L. Putt, T.B. Greene, and Kay H. Eggleston. For the sake of judicial economy, especially in this case, which has disproportionately engaged the Court's resources, the Court herein adopts its Order at Docket No. 74 by reference. Therein, among other things, the Court directed Defendant's counsel to show cause why the sanctions requested by Plaintiff should not issue. Counsel for Defendant timely responded. [Doc. 75]. The Court finds, based on the totality of circumstances in this case, that issuing sanctions would not be appropriate. Although counsel for Defendant has lacked diligence in defending this matter, the delays and non-compliance do not appear the result of bad faith or other malfeasance. The Court will, therefore, deny Plaintiff's motion for sanctions.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Sanctions [Doc. 71] is **DENIED**.

IT IS SO ORDERED.

Signed: March 6, 2021



Martin Reidinger
Chief United States District Judge

